

RESOLUTION APPROVING A ROADSIDE SOLICITATION POLICY

WHEREAS, WHEREAS, pursuant to N.C.G.S. 20-175, the City has the authority to establish a policy to authorize roadside solicitation under certain circumstances; and

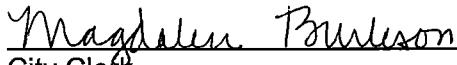
WHEREAS, the City of Asheville receives requests for permission to conduct roadside solicitation from various groups; and

WHEREAS, staff has developed a proposed policy to address roadside solicitation safety concerns to solicitors and the motoring public;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ASHEVILLE THAT:

The City Council hereby approves the attached Roadside Solicitation Policy for the City of Asheville.

Read, approved and adopted this 12th day of May, 2009.



City Clerk



Mayor

Approved as to form:



City Attorney

Roadside Solicitation Policy

Policy Statement

In 2006, the North Carolina General Assembly passed legislation that permits roadside solicitation under certain circumstances. Pursuant to G.S. 20 -175; a local government shall have the authority to grant authorization for a person to stand in, on, or near a street or State roadway, within the local government's municipal corporate limits, to solicit a charitable contribution if the requirements of this subsection are met.

The intent of this policy is to set forth requirements for individuals, groups or organizations who request permission to solicit charitable donations within the municipal limits of the City of Asheville.

The City of Asheville reserves the right to modify or suspend the policy.

Requirements

Requirements for roadside solicitation include:

1. The soliciting organization must have appropriate legal authority to operate in North Carolina, with a business address in North Carolina, and someone in authority immediately available by telephone while the activity occurs.
2. The applicant shall also furnish to the City of Asheville advance proof of liability insurance in the amount of at least two million dollars (\$2,000,000) to cover damages that may arise from the solicitation. The insurance coverage must provide coverage for claims against any solicitor and agree to hold the City of Asheville harmless.
3. Roadside solicitation shall only be permitted at controlled intersections (traffic lights or stop signs).
4. Roadside solicitors shall not impede the flow of traffic.
5. Roadside solicitation shall be conducted from the right of way of public highways or streets.
6. Roadside solicitation shall be conducted during daylight hours only. The City may further set the hours and other circumstances during which the solicitation will occur, including the size and display of signs, number of persons, and other materials
7. Roadside solicitation shall be limited to no more than one group or organization per day citywide.
8. Individuals, groups or organizations shall be limited to a maximum of two events per year with duration of no more than two (2) days per event.
9. The submission of a safety plan is required.

10. All roadside solicitation participants shall wear traffic vest which conform to US DOT regulations.
11. Each individual participating in roadside solicitation shall wear or have available signs, clothing or articles that clearly delineate the identity of the individual, group or organization.
12. All applications and safety plans shall be reviewed and approved by Asheville Police Department and Asheville Fire and Rescue Department.

In the event the solicitation event or the solicitors shall create a nuisance, delay traffic, create threatening or hostile situations, any law enforcement officer with proper jurisdiction may order the solicitations to cease. Solicitors must comply with all other applicable laws

Any individual who fails to follow a law enforcement officer's lawful order may be charged with a Class 2 misdemeanor.

Application

A person seeking authorization to solicit charitable contributions shall file a written application with the City of Asheville. This application shall be filed not later than fourteen (14) days before the date the solicitation event is to occur. If there are multiple events or one event occurring on more than one day, each event shall be subject to the application and permit requirements of this subsection for each day the event is to be held, to include the application fee. Pursuant to G.S. 20 – 175, in no case shall the fee be greater than twenty-five dollars (\$25.00) per day per event.

The application must include:

1. Proof of legal authority to operate in North Carolina as a charitable organization;
2. A North Carolina business address;
3. Phone number of organization's person in authority who is immediately available while the solicitation occurs;
4. The date and time when the solicitation is to occur;
5. The location at which the solicitation is to occur;
6. The number of persons to be involved in the solicitation;
7. A safety plan as set forth by the City of Asheville Parks and Recreation Special Events Emergency Plan; and
8. Proof of liability insurance with the City of Asheville named as additionally insured

The City of Asheville, by acting under this section, does not waive, or limit, any immunity or create any new liability. The issuance of an authorization and the conducting of the solicitation authorized are not considered governmental functions of the City of Asheville.